

REMARKS

Claim Changes

Claim 1 is amended to correct an informality. No new matter has been added.

Rejection of Claims 1-4, 6-12, and 14-15 under 35 U.S.C. § 103(a) as being unpatentable over US 5,550,863 (Yurt) in view of US 2002/0059621 (Thomas) and apparently in view of US 6,799,283 (Tamai et al.)¹

Applicant respectfully traverses in part and amends in part. Applicant has amended independent claims 1 and 8 to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-4, 6-12, and 14-15 under 35 U.S.C. § 103(a) as being unpatentable over Yurt in view of Thomas as herein amended.

Applicant respectfully submits that the combination of Yurt and Thomas does not teach or suggest all the claim limitations as set forth in independent claims 1 and 8, as amended. For example, independent claim 1 is amended to incorporate the subject matter of claim 3 as “designating as part of a hierarchy, *a control ranking* to each of said *first and second reproduction devices*; and during *control conflicts*, allowing the *reproduction device* attempting to control playback having the *highest control ranking*, to *control the reproduction* of said selected program” and independent claim 8 is amended to incorporate the subject matter of claim 11 as “wherein each of said first and second *reproduction devices are designated* to have, as part of a hierarchy, *a control ranking*, and during *control conflicts*, the *reproduction device* attempting to control playback having the *highest control ranking*, *controls the reproduction* of said selected program” which are not taught or suggested in the combination of Yurt and Thomas.

Yurt is directed towards a system of distributing video and/or audio information that employs digital signal processing to achieve high rates of data compression. In operation, the compressed and encoded audio and/or video information is sent over standard telephone, cable or satellite broadcast channels to subscriber's receiver, for later playback. (Yurt, Abstract)

¹ The statement of rejection in the office action does not mention Tamai, but the discussion within the rejection relies on Tamai.

Thomas discloses a system that allows a user to access his/her own on-demand media account from user equipment in different locations as long as the current user equipment can communicate with a remote server that stores user-specific information. Thomas's system has a relocate feature that may allow a user to freeze on-demand media delivery on one user equipment and resume delivery and viewing from other user equipment. (Thomas, Abstract)

Tamai is directed toward a disk drive array system which is configured to store redundant data by distributing data blocks across the various disk drives. (Tamai, Abstract). The reliance on Tamai is misplaced. Tamai is primarily aimed at preventing loss of data by providing redundant data. The priority discussed in Tamai identified in the Office action (col. 13: 48 – 14: 65) pertains to controlling which data block a particular disk drive accesses to access different for different access requests from a host device (“the array controller generates a read or write request with predetermined priority for each recording medium”). The priority is not related to different reproduction devices which request provide the same program to a viewer. Tamai does not disclose to designating as part of a hierarchy, a control ranking to each of said first and second reproduction devices; and during control conflicts, allowing the reproduction device attempting to control playback having the highest control ranking, to control the reproduction of said selected program.

Thus the combination of Yurt, Tamai and Thomas fails to teach or suggest, either singly or in combination “*designating as part of a hierarchy, a control ranking to each of said first and second reproduction devices; and during control conflicts, allowing the reproduction device attempting to control playback having the highest control ranking, to control the reproduction of said selected program*” as recited in independent claim 1, as amended or “*wherein each of said first and second reproduction devices are designated to have, as part of a hierarchy, a control ranking, and during control conflicts, the reproduction device attempting to control playback having the highest control ranking, controls the reproduction of said selected program*” as recited in independent claim 8, as amended.

For the above reasons, Applicant submits that claims 1 and 8 are not obvious in view of the combination of Thomas, Tamai and Yurt, and therefore that the rejection of claims 1 and 8 under 35 USC 103(a) should be withdrawn. Applicant requests that claims 1 and 8 may now be passed to allowance.

Claims 2, 4, 6, and 7 depend from, and include all the limitations of independent claim 1, as amended. Claim 9, 10, 12, 14, and 15 depend from, and include all the limitations of independent claim 8. Claims 3 and 11 are cancelled. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1-4, 6-12, and 14-15 under 35 USC 103(a).

Conclusion

Applicant has reviewed the other references of record and believes that Applicant's claimed invention is patentably distinct and nonobvious over each reference taken alone or in combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Date: January 11, 2010

Respectfully submitted,

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